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11 **IN THE UNITED STATES DISTRICT COURT
12 FOR THE DISTRICT OF ARIZONA**

13 **KOLEEN GALLAGHER,**

14 Plaintiff/
15 Judgment Creditor,
16 vs.

17 **RICHARD JAMES. GALLAGHER,**

18 Defendant/
19 Judgment Debtor

20 and

21 **BMO HARRIS BANK**
22 4380 n. Campbell, Suite 100
23 Tucson, AZ 85718

24 **Executee/Garnishee.**

25 **NO. 4:17-MC-00005**

26 **WRIT OF EXECUTION AND
SUMMONS
(Non-Earnings)**

**(Rue 69, Fed. R. Civ. Pro.;
A.R.S. §§12-1572 – 1597)**

27 **THE UNITED STATES U.S. MARSHALL FOR THE DISTRICT OF ARIZONA OR
28 ANY OTHER OFFICER OF PIMA COUNTY, WHO IS AUTHORIZED BY LAW TO
29 SERVE PROCESS:**

30 You are directed to levy upon the property of the above-named Judgment Debtor
31 told by the Executee/Garnishee to satisfy the money judgment in accordance with the
32 attached instructions, including but not limited to any and all bank accounts in which
33 Richard J. Gallagher is designated as a payable on death beneficiary by any accounts owned

1 by Josephine Marie Gallagher, including without limitation BMO Harris Bank Certificate
2 of Deposit, account number 52609601.

3 JUDGMENT CREDITOR'S CLAIM OF **\$192,272.48** together with interest, costs
4 and other relief in this action is against the following Judgment Debtor(s):

5 **RICHARD JAMES GALLAGHER**

6 THEREFORE, PURSUANT TO A.R.S. Sec. 12-1574, YOU ARE COMMANDED
7 to summon and appear before this Court the Executee/Garnishee whose name and address
8 appears above and who is believed to be within your county.

9 The Judgment Creditor states as follows:

10 1. The Judgment Creditor has a Judgment and an award of cost and attorney's
11 fees against the above-described Judgment Debtor(s) with current amount of \$192,272.48
12 due, as of the date of issuance of this Writ of Garnishment.

13 2. The rate of interest on the award of costs and attorney's fees is .58% on the
14 principal sum of \$192,272.48 from 1/29/2016 until paid.

15 3. Josephine Marie Gallagher died on May 21, 2017.

16 3. The name and address of the Executee/Garnishee and/or the authorized agent
17 is:

18 **BMO HARRIS BANK**
19 **4380 n. Campbell, Suite 100**
20 **Tucson, AZ 8571**

21 4. The Attorney for the Judgment Creditor's name and address is:

22 **Mark E. Chadwick**
23 **Munger Chadwick, PLC**
24 **333 N. Wilmot, Suite 300**
25 **Tucson AZ 85701**

26 5. The last known mailing addresses of the Judgment Debtor(s) are:

27 **Richard James Gallagher**
28 **c/o George E. Tuttle, Jr.**
29 **1225 Marth Custis Dr., Parc East 103**
30 **Alexandria, Virginia 22302**
31 **Attorney for Judgment Debtors;**

32 **Richard James Gallagher**
33 **P.O. Box 273**
34 **Hampstead, NC 28443**

1 TO THE ABOVE-NAMED EXECUTEE:

2 EXECUTEE SHALL Answer in writing, under oath, within 10 days after the service
3 of the Writ of Execution upon you, all of the following questions:

4 1. Whether the Executee was indebted to or otherwise in possession of monies
5 of the Judgment Debtor(s) at the time the Writ was served, including without limitation,
6 any accounts in which Richard J. Gallagher is designated as payable upon death beneficiary,
7 including, without limitation, BMO Harris Bank, Certificate of Deposit account number
8 52609601.

9 2. The total amount of indebtedness or monies in possession of the Executee at
10 the time the Writ was served, including, without limitation, the amount of money which
11 was owned by the deceased Josephine Marie Gallagher.

12 3. The amount of indebtedness or monies withheld by the Executee pursuant to
13 the Writ.

14 4. The amount of indebtedness or monies not withheld by the Executee, and the
15 reason for not withholding.

16 5. Whether the Executee was in possession of personal property of the Judgment
17 Debtor(s) at the time the Writ was served.

18 6. A description of each item, or group of items, of personal property of the Judgment
19 Debtor(s) in the Executee's possession at the time the Writ was served.

20 7. A list of the personal property withheld by the Executee pursuant to the Writ.

21 8. What other person or entity, within his knowledge, is indebted to the
22 Judgment Debtor(s) or in possession of personal property of the Judgment Debtor(s).

23 9. Whether the Executee is a corporation in which the Judgment Debtor(s) owns
24 shares of stock or some other interest.

25 10. A statement of the number and types of shares owned by the Judgment
26 Debtor(s) and a description of any other interests the Judgment Debtor(s) own in the
Garnishment.

11. The name, address and telephone number of the Garnishee.

12. The date and manner of delivery of a copy of the Writ and the Notice to the
Judgment Debtor(s).

13. The date and manner of delivery of a copy of the Answer to the Judgment
Creditor and Judgment Debtor.

14. FROM AND AFTER SERVICE OF THE Writ of Execution, the Executee shall not
15 pay to the Judgment Debtor(s) any debt which is not exempt, nor turn over any non-exempt
16 personal property, stock or any other interest the Judgment Debtor(s) owns in the Executee
17 corporation to the Judgment Debtor(s).

SUMMONS

In obedience to the attached and foregoing Writ of Execution, I DO HEREBY SUMMON AND REQUIRE YOU TO APPEAR and answer the foregoing Writ and in the manner prescribed by law within the times prescribed in said Writ. You are hereby notified that in case you fail to so answer, the Court may issue an order requiring you to appear in person before it to answer the Writ or to file and serve, at least five (5) days before the appearance date, a copy of the answer on the party for whom the Writ has been issued, or on his attorney if the party is represented by counsel. If you fail to appear or to file and serve the answer as specified in the order, judgment by default may be rendered against you for the full amount of the relief demanded in the Complaint of the Plaintiff and not merely for the amount you may owe to the Defendant, and that such judgment may be so rendered in addition to any other matters which may be adjudged against you as prescribed by law. Federal Rules of Civil Procedure 4(c).

**REQUESTS FOR REASONABLE ACCOMMODATION FOR PERSONS WITH
DISABILITIES MUST BE MADE TO THE COURT BY PARTIES AT LEAST 3
WORKING DAYS IN ADVANCE OF A SCHEDULED COURT PROCEEDING**

DATED

12/13/17.

Clerk of the United States District Court